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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE UNION PACIFIC
RAILROAD COMPANY AT AVONDALE
BOULEVARD IN AVONDALE, ARIZONA,
USDOT NO. 741-799P.

DOCKET NO. RR-03639A-14-0315

ORIGINAL

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On August 27, 2014, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad Company ("Railroad") to upgrade an existing crossing at Avondale Boulevard in Avondale, Maricopa County, Arizona at USDOT No. 741-799P.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. §§ 40-337, *et seq.*

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **December 3, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

IT IS FURTHER ORDERED that within ten business days of receipt of this Procedural Order, **THE ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by

the application with a copy of the application and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that the Commission's Safety Division, Railroad Safety Section ("Staff") shall prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with Docket Control on or before 4:00 p.m. on **November 20, 2014**.

IT IS FURTHER ORDERED that any **objections to the Staff Report and associated exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **December 1, 2014**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **November 7, 2014**.

IT IS FURTHER ORDERED that **the Arizona Department of Transportation** shall provide **public notice** of the hearing in this matter, in the following form and style:

**IN THE MATTER OF THE APPLICATION OF THE ARIZONA
DEPARTMENT OF TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE UNION PACIFIC RAILROAD
COMPANY AT AVONDALE BOULEVARD IN AVONDALE,
ARIZONA, USDOT NO. 741-799P
(DOCKET NO. RR-03639A-14-0315)**

On August 27, 2014, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad Company to upgrade an existing crossing at Avondale Boulevard in Avondale, Arizona at AAR/DOT No. 741-799P.

The application is available for inspection during regular business hours at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on December 3, 2014, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,

a customer of Railroad, a neighboring property owner, a crossing user, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before November 7, 2014. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested party from appearing at the hearing and making a statement on such person's own behalf.

If you have any questions about this application, you may contact the Applicant at [insert telephone number]. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Arizona Department of Transportation shall cause the above notice to be published at least once in a newspaper of general circulation in the city/county where the crossing is located, with **publication to be completed no later than October 24, 2014**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon the mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive the notice.

IT IS FURTHER ORDERED that **THE ARIZONA DEPARTMENT OF TRANSPORTATION SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been completed.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance

with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 12th day of September, 2014.


SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 12th day of September, 2014 to:

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Legal Division
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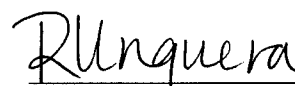
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By: 
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